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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,935	06/15/2001	Bhajmohan (Ricky) Singh	115808-459	8096
29157	7590	01/27/2009	EXAMINER	
BELL, BOYD & LLOYD LLP P.O. Box 1135 CHICAGO, IL 60690				BHAT, NINA NMN
1797		ART UNIT		PAPER NUMBER
NOTIFICATION DATE		DELIVERY MODE		
01/27/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BHAJMOHAN (RICKY) SINGH,
DIANE S. KALISHMAN, MONIQUE NIELSEN,
BRYAN WILSON BADGER, BRIGITTE MARTINEAU
and
ROBERT CARVALHO

Application 09/881,935
Technology Center 1700

Mailed: January 26, 2009

Before PAMELA S. BENNETT, *Review Team Paralegal.*

BENNETT, *Review Team Paralegal.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 12, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed on October 15, 2007, in response to the Examiner's Answer mailed August 23, 2007.

Title 37, Code of Federal Regulations, § 41.43 states:

(a)(1)... the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

The Communication mailed December 5, 2007, was an improper acknowledgment of the Reply Brief, as it constitutes a Supplemental Examiner's Answer as per § 1208, part II of the *Manual of Patent Examining Procedure* (MPEP) (Eighth Edition, Rev. 6, September 2007). A Supplemental Examiner's Answer requires a Director or designee's approval.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) to vacate the Communication mailed December 5, 2007;
- 2) to generate and mail either:
 - a) a revised Communication properly acknowledging to the Reply Brief dated October 15, 2007, in accordance with MPEP § 1208, part II; OR

- b) to issue a Supplemental Examiner's Answer with the required signature (Technology Center Director or designee),¹ if appropriate; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

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¹ In Technology Center 1700, only a Director or Quality Assurance Specialist may approve new grounds of rejection.